

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, INITIATING PROCEEDINGS AND ORDERING THE PREPARATION OF AN ENGINEER'S REPORT FOR STREET LIGHT BENEFIT ASSESSMENT DISTRICT NO. 1 FOR FISCAL YEAR 2004/2005

The City Council of the City of Loma Linda (the "City"), pursuant to the provisions of the Landscaping and Lighting Act of 1972, being division 15 of the Streets and Highways Code of the State of California (the "Act"), desires to initiate proceedings for Loma Linda Street Light Benefit Assessment District No. 1 (the "District") and for the levy and collection of assessments within the proposed District for the fiscal year 2004/2005, for the purposes provided therefore in the Act; and

The public interest and convenience require the City to initiate proceedings for the levy of assessments within the District for the fiscal year 2004/2005, for the purposes provided thereof in the Act; and

Section 22622 of the Act requires the City to adopt a resolution generally describing any proposed new improvements or any substantial changes in the existing improvements and ordering the Engineer to prepare and file a report in accordance with Article 4 of the Act.

WHEREAS, by adoption of Resolution No. 785, the City Council of the City of Loma Linda determined that the public interest, convenience and necessity required the installation, construction, and operation of street lighting and appurtenant facilities set forth in Section 22525 of the Streets and Highways Code, State of California, and the maintenance thereof within the incorporated boundaries of the City of Loma Linda as shown on the attached map; and

WHEREAS, MuniFinancial, 27368 Via Industria, Suite 110, Temecula California, 92590, was appointed "Engineer of Work" with all provisions of Division 15 applicable to the Engineer applied to said "Engineer of Work"; and

WHEREAS, Section 22622 of the Streets and Highways Code, State of California, requires that an Engineer's Report be prepared and filed annually, outlining the assessments to be levied against the properties within the assessment district; and

WHEREAS, Proposition 218, right to Vote on Taxes Act, was approved by the voters on November 5, 1996, added Articles XIII C and XIII D to the California Constitution which requires among other things, that beginning July 1, 1997, all existing assessments must be approved by at least 50 percent of the ballots cast by record owners subject to the assessment; and

WHEREAS, Proposition 218 exempts assessments which are used to operate and maintain streets, provided the assessments are not increased; and

WHEREAS, street lights and traffic signals are installed, maintained and operated for street purposes; and

Resolution No.

Page 2

WHEREAS, the street light assessments for fiscal year 2004/2005 are not increased over those imposed for fiscal year 2003/2004;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Loma Linda that:

1. The Engineer of Work is ordered to prepare the report for fiscal year 2004/2005 in accordance with Article 4, Division 15, of the Streets and Highways code, "The Landscaping and Lighting Act of 1972" of the State of California.

2. The assessments for fiscal year 2004/2005 are exempt from Proposition 218, based on the provision of Proposition 218.

APPROVED, ADOPTED AND SIGNED this 22nd day of June 2004 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

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Karen Gaio Hansberger, Mayor

ATTEST:

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Pamela Byrnes-O'Camb, City Clerk